

Amendment and Response UNDER 37 C.F.R. 1.116

Applicant: Stuart Asakawa

Serial No.: 09/905,623

Filed: 7/13/2001

Docket No.: 10011919-1/H301.426.101

Title: PRINT FOR PAY PRINTER

REMARKS

The following remarks are made in response to the Final Office Action mailed March 9, 2005, in which the Examiner maintains the rejections set forth in the previous Office Action (mailed September 8, 2004). With this Response, claims 1, 4-7, 19 and 20 have been amended. Claims 1-20 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 103

Claims 1, 4, 5, 9-12, 15, 16 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Farros et al. (U.S. Patent No. 5,930,810) in view of Maruta et al. (U.S. Patent No. 6,064,838).

Farros is alleged to teach the invention as presented in independent claims 1, 9, and 19, including printer resources “such as sizes, colors and font”. However, Farros is acknowledged as failing to clearly disclose that the printer resources are operational resources. Further, although Farros discloses necessary billing, Farros is also acknowledged as failing to disclose that the payment transaction includes a charge calculated as a function of the resource request. Finally, Farros is acknowledged as failing to disclose that the selected at least one printer resource comprises a selected printer resolution.

Maruta is cited as disclosing that a user sets the appropriate printing conditions such as sheet size, resolution of picture quality, the number of copies, and the like for a copier. The cost required for the printing operation is determined, and then a printing operation is executed (citing col. 2, lines 25-32). Maruta is alleged to teach, as a whole, a printing system that determines or calculates the cost of printing, where the cost determination includes sheet size, the type of sheet material, and the output color. On this basis, the Examiner finds Maruta teaches a payment transaction that includes a charge calculated as a function of the resource request, and therefore concludes it would have been obvious to one of ordinary skill in the art to integrate Farros and Maruta such that the user is notified of the total printing cost, and if the user would like to reduce or increase the cost, the user can alter the operational settings.

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The Examiner also presents a variety of additional 35 U.S.C. § 103(a) rejections of the dependent claims, and in each case relies on the above combination of Farros and Maruta:

- claims 2 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Farros in view of Maruta as applied to claims 1 and 9, and further in view of Pierce (U.S. Patent No. 6,202,057);
- claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Farros as modified by Maruta and Pierce as applied to claim 2, and further in view of Narukawa (U.S. Patent No. 6,281,978);
- claims 6 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Farros as modified by Maruta as applied to claim 4 and 1, and further in view of Hayashi (U.S. Patent No. 6,375,297);
- claims 7, 8, and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Farros in view of Maruta as applied to claims 1 and 15, and further in view of Nocker (U.S. Patent No. 6,235,486); and
- claims 14 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Farros as modified by Maruta as applied to claim 9 and 19 above, and further in view of Freeman (U.S. Patent No. 6,134,557).

With this Response, independent claims 1 and 19 have been amended to specify that the printer operational resources comprise **core** printer operational resources and **enhanced** printer operational resources, and that the payment transaction includes a charge calculated as a function of said **enhanced** printer operational resource request. Independent claim 9, although not amended herewith, similarly divides printer operational resources into a first resource set and a second resource set, and initiates a payment transaction when the requested printer operational resource is a member of said second set, wherein said payment transaction includes a charge calculated as a function of said resource request. The combination of Farros and Maruta fails to teach, disclose or make obvious the subject matter of independent claims 1, 9 and 19.

Farros sells products which may be personalized by a user by selecting and arranging predefined elements, such as graphics, sizes, fonts, colors and other attributes, of predefined forms (column 2, lines 50-65). The printing or production resources of Farros are available downstream from the product selection, and the operational resources of the printer are not

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selected or specified by the user. Further, Farros fails to distinguish between core and enhanced printer operational resources, only suggests a charge for the printed product generally, and fails to teach or suggest a charge calculated as a function of the request for the use or right of use of an “enhanced printer operational resource”. In the current and previous office actions, the Examiner has acknowledged that Farros “does not specifically mention that the payment transaction includes a charge calculated as a function of the resource request.”

Maruta fails to remedy the above-noted deficiencies of Farros. Maruta does disclose that a user may set printing conditions such as sheet size, resolution of picture quality, the number of copies, and the like. However, Maruta teaches that the user selects a copy machine from a group of copy machines, where the selected copy machine satisfies the desired print conditions (Maruta, column 18, lines 39-45, Figure 23). Costs are then calculated based on sheet size, type of sheet and output color. For the selected copy machine, there is not a division or distinction between core operational resources and enhanced operational resources, and in particular, **the cost is not calculated as a function of an enhanced operational resource request**. Even if Maruta is interpreted as having both core and enhanced operational resources (for example, black and white output vs. color output), the cost in Maruta is calculated as a function of *all* operational resource requests, not just those requests utilizing what may be characterized as “enhanced” operational resources.

For at least the reasons set forth above, neither Farros nor Maruta, alone or in combination, show, teach or suggest the subject matter of independent claims 1, 9 and 19. Accordingly, independent claims 1, 9 and 19 are not obvious over Farros in view of Maruta, and withdrawal of the rejection of independent claims 1, 9 and 19 under 35 U.S.C. § 103(a) is respectfully requested.

Dependent claims 4-7 and 20 have been amended solely to conform to the language of amended claims 1 and 19, respectively.

Each of dependent claims 2-8, 10-18 and 20 depend from one of independent claims 1, 9 and 19, which are in allowable condition for at least the reasons set forth above. Therefore, dependent claims 2-8, 10-18 and 20 are also in allowable condition, and withdrawal of the rejections of those claims under 35 U.S.C. § 103(a) is respectfully requested.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-20 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-20 is respectfully requested.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Nathan Rieth at Telephone No. (208) 396-5287, Facsimile No. (280) 396-3958, or Matthew B. McNutt at Telephone No. (512) 231-0531, Facsimile No. (512) 231-0540. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,


Stuart Asakawa,

By their attorneys,

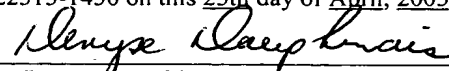
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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 25th day of April, 2005.

By 
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